

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR  
WILLIAM E. HENDERSON III, MINORITY STAFF DIRECTOR  
LAURA W. KILBRIDE, CHIEF CLERK

December 20, 2023

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
Office of the Inspector General  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

The Honorable Joseph V. Cuffari  
Inspector General  
U.S. Department of Homeland Security  
Office of Inspector General  
245 Murray Lane SW  
Washington, DC 20528-0305

The Honorable Robert P. Storch  
Inspector General  
U.S. Department of Defense  
Office of Inspector General  
4800 Mark Center Drive  
Alexandria, VA 22350-1500

The Honorable Diana R. Shaw  
Acting Inspector General  
U.S. Department of State  
Office of Inspector General  
1700 North Moore Street (SA-39)  
Arlington, VA 22209

The Honorable Richard K. Delmar  
Deputy Inspector General  
U.S. Department of Treasury  
Office of Inspector General  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

The Honorable Thomas A. Monheim  
Inspector General  
Office of the Intelligence Community  
Office of Inspector General  
Reston 3 room E220  
Washington, D.C. 20511

Dear Inspectors General Horowitz, Cuffari, Storch, Shaw, Delmar, and Monheim,

I am writing to request that your offices coordinate on an assessment of the full implementation of the Terrorist Screening Dataset, which is maintained by the Terrorist Screening Center and is commonly referred to as the terrorist watchlist. The assessment should examine all of the departments and agencies under your purview, and for the reasons stated below, should be led and coordinated by the Department of Justice Office of Inspector General.

Since I was elected to Congress, I have heard from my constituents, and in particular my Arab and Muslim American constituents, that they face undue levels of scrutiny and screening at airports, other ports of entry, and in their daily lives, which they believe is the result of their placement on the terrorist watchlist.

As a result, in 2021, I directed the Senate Homeland Security and Governmental Affairs Committee Majority staff to examine the terrorist watchlist and its full implementation. Yesterday, I released a report with findings and recommendations from this review, titled, “Misabeled as a Threat: How the Terrorist Watchlist and Government Screening Practices Impact Americans.”

Our government must continue to work diligently to protect our national security and keep travelers safe, and it must do so in a way that is effective, aligns with current threats, and protects citizens’ civil rights and liberties. The report finds that the terrorist watchlist has grown exponentially since it was created, that it includes identities beyond known and suspected

terrorists, and that its data is incorporated into multiple screening mechanisms. The report also finds that the redress process currently available lacks transparency and that its limitations are one cause of diminished faith in government by communities experiencing frequent screening at airports. Additionally, the report finds that Inspectors General have not conducted a coordinated, independent assessment of the full watchlisting enterprise – from the nominations process; to how information is shared, used, and audited; to the redress options available to individuals who may match to the list.

In light of the interagency nature of both the TSC and the nomination, implementation, and redress processes associated with the terrorist watchlist, and its wide-ranging impacts, the report recommends that the relevant Inspectors General carry out a full-scope review of the watchlist enterprise, including a quality assurance review of nominations and examination of information sharing practices.

As such, I am writing to all of you today to request that you undertake a coordinated review of the watchlist that looks at the following elements:

1. To what extent have officials adhered to the Watchlisting Guidance when administering the watchlist?
2. What are the range of impacts on individuals who may match to identities on the terrorist watchlist or any of its subsidiary lists?
3. To what extent does the terrorist watchlist information disseminated amongst departments and agencies improve the effectiveness of screening and vetting activities?
4. To what extent are privacy requirements, civil rights and civil liberty protections, and transparency goals incorporated into the redress process?
5. Are the departments and agencies involved in the watchlisting process keeping track of all encounters that involve watchlist data in a manner that allows them to track the impact on individuals who may match identities on the watchlist or its subsidiary lists?
6. How do the departments and agencies nominating identities, maintaining the watchlist, or using the watchlist or subsidiary lists ensure that data is only shared to accomplish a legally authorized purpose, is properly stored, and is not maintained longer than is necessary?
7. Which federal, state, local, and private sector entities have access to terrorist watchlist information?
8. To what extent have nominating agencies implemented quality assurance practices to monitor and audit the information they submit for the watchlist, and ensure that information is accurate, relevant, timely, and complete?

I appreciate the broad nature of this request, but given the expansive and growing nature of the watchlist and its uses, such a review is necessary. I also want to ensure that such a review provides useful data over the course of time, rather than in one final product. I request that your offices provide my staff with notice of the initiation of the review or coordinated reviews in response to this letter, including which aspects will be handled by which OIG, and that your offices work with my staff to schedule and provide interim briefings. Further, in light of the FBI's administration of the TSC, which manages the terrorist watchlist, I request that the Department of Justice Inspector General lead these collaborative efforts. Finally, I request that

your offices synthesize the results of their respective reviews to produce holistic findings that answer the preceding questions from an interagency perspective.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary C. Peters", written over a horizontal line.

Gary C. Peters  
Chairman  
Committee on Homeland Security  
and Governmental Affairs